

Message Text

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DRAFTED BY L/OES:PMOLSON:MAR
APPROVED BY L/OES:MEHOINKES
L/T:AWROVINE
L/OES:MEMCLEOD
OES/OFA:BBROOKENS (INFO)
-----089580 121509Z /44
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FM SECSTATE WASHDC
TO AMEMBASSY LONDON IMMEDIATE

UNCLAS STATE 230467

E.O. 11652: N/A

TAGS: EFIS, UK, VQ, EEC

SUBJECT: BRINGING INTO FORCE OF US/UK VIRGIN ISLANDS
FISHERIES TREATY

REFS: (1) STATE A-3031
(2) OLSON-TARRANT TELCON
(3) MCLEOD-TARRANT TELCON

ATTENTION: MR. TARRANT

1. THIS CABLE CONFIRMS POINTS MADE AND INSTRUCTIONS GIVEN
IN REFS 2 AND 3, RELATING TO REF 1.
2. EMBASSY INQUIRED WHETHER UK FISHERIES COMPETENCE
EXTENDED TO INDEPENDENT NON-EEC AGREEMENT WITH US RELATING
TO VIRGIN ISLANDS (SUBJECT AGREEMENT), PARTICULARLY IN
LIGHT OF PRIOR NEGOTIATION AND CONCLUSION OF -US/EEC
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FISHERIES AGREEMENT. DEPARTMENT EXAMINED THIS QUESTION
AND ESTABLISHED TO ITS SATISFACTION AT TIME OF NEGOTIATION
THAT UK POSSESSES FULL COMPETENCE TO ENTER INTO VIRGIN
ISLANDS AGREEMENT WITHOUT REFERENCE TO EEC. NO QUESTION
THUS EXISTS OF BRITISH AUTHORITY TO ENTER INTO SUBJECT
AGREEMENT.

3. EMBASSY REQUESTED FULL WRITTEN INSTRUCTIONS CONFIRMING SUBSTANCE OF REFS 1, 2 AND 3. SITUATION IS AS FOLLOWS:

(A) NOTE SENT BY DEPARTMENT TO EMBASSY ON OR ABOUT JULY 19 AND FORWARDED TO FOREIGN OFFICE WAS ORALLY REPUDIATED BY DEPARTMENT ON BASIS THAT IT HAD INACCURATELY STATED THAT US HAD COMPLETED ALL DOMESTIC PROCEDURES NECESSARY TO BRING SUBJECT AGREEMENT INTO FORCE. IN FACT DOMESTIC PROCEDURES WERE NOT COMPLETED UNTIL JULY 28. UK EMBASSY (MILLINGTON) ASSURED DEPARTMENT FONOFF WOULD BE SO INFORMED AND RESPONSE WITHHELD UNTIL SUBJECT AGREEMENT COULD VALIDLY BE BROUGHT INTO FORCE IN CONFORMITY WITH ITS ARTICLE VII.

(B) EVIDENTLY FONOFF DID NOT UNDERSTAND FACTS IN ABOVE PARAGRAPH AND APPEARS TO HAVE BEEN PREPARED TO ACT ON ASSUMPTION THAT JULY 19 NOTE WAS VALID. FONOFF EXPRESSED UNWILLINGNESS TO EXCHANGE INSTRUMENTS OF RATIFICATION, AND DESIRES TO FOLLOW TERMS OF ARTICLE VII TO THE LETTER.

4. EMBASSY SHOULD THEREFORE:

(A) IF NECESSARY TO FORECLOSE FONOFF ACTION OR OTHERWISE HELPFUL SEND NOTE WITHDRAWING JULY 19 NOTE. NOTE NOT WITHDRAWN BEFORE BECAUSE OF UK EMBASSY ASSURANCES SITUATION WAS IN HAND AND UNDERSTOOD.
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(B) DISREGARD INSTRUCTIONS IN REF 1 TO EXCHANGE INSTRUMENTS OF RATIFICATION.

(C) ARRANGE WITH FONOFF FOR EXCHANGE OF NOTES UNDER ARTICLE VII. EXCHANGE WOULD PREFERABLY BE SIMULTANEOUS, BY AMBASSADOR AND APPROPRIATE FONOFF OFFICIAL. REGARDLESS OF EXISTENCE OR NONEXISTENCE OF BRITISH INSTRUMENT OF RATIFICATION, US NOTE SHOULD REFER TO OUR INSTRUMENT OF RATIFICATION AND INSTRUMENT SHOULD BE ATTACHED TO NOTE. NO LEGAL REQUIREMENT THAT BRITISH PROVIDE US WITH AN INSTRUMENT OF RATIFICATION, BUT OURS SHOULD BE PROVIDED TO BRITISH.

5. AS SERIOUS LEGAL CONSEQUENCES WOULD ENSUE FROM BRITISH ACTION ON ASSUMPTION JULY 19 NOTE VALID, ESSENTIAL ACTIONS LISTED ABOVE BE TAKEN IMMEDIATELY.

6. FURTHER QUESTIONS SHOULD BE ADDRESSED TO MS. MARY MCLEOD, L/OES, 632-1989. CHRISTOPHER

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Disposition Reason:
Disposition Remarks:
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Drafter: PMOLSON:MAR
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ISecure: 1
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